(47)

HIGH COURT OF JUDICATURE AT BILASPUR, CHHATTISGARH

SINGLE BENCH: HON'BLE SHRI S.R. NAYAK, CJ.

WRIT PETITION NO. 2240 OF 2006

PETITIONERS

1. Mehataru, Son of Dukalha, aged about 52 years.
2. Gulab Singh, Son of Vishram, aged about 48 years.
3. Amrit, son of Suchit, aged about 16 years, being minor represented through his natural guardian (father) Suchit, son of Jogiram Rathore
4. Sirdari, son of Same Lal, aged about 65 years.

All R/o. village Vicharpur, Tahsil Lormi, District Bilaspur (C.G.).

Vs.

RESPONDENTS

1. State of Chhattisgarh, through Department of Water Resources, D.K.S. Bhavan, Raipur (C.G.)
2. The Collector, Bilaspur (C.G.) (Land Acquisition Section)
3. The Sub Divisional Officer, Water Resources Department, Lormi, District Bilaspur (C.G.)
4. The Executive Engineer, Water Resources Department, Mungeli, District Bilaspur (C.G.)

Present: Shri Malay Kumar Bhaduri, learned counsel for the petitioners.
Shri Utkarsh Verma, learned Dy. G.A. for the State.

ORAL ORDER
(Passed on 28th April, 2006)

The grievance of the petitioners is that they are the absolute owners of the land comprised in Khasra Nos.25/2, 26/2,131, 475,463/2, 468/1 and 468/2 and some other lands situates at village Vicharpur, Tahsil Lormi, District Bilaspur, but, the respondents-State Authorities without initiating proceedings for acquisition of the above lands either under the Land Acquisition Act, 1894 or any other enabling provisions high-handedly are attempting to take over possession of the subject land from the

petitioners for construction of an irrigation canal. If the allegation of the petitioners is correct, the high-handed act of the respondents-State Authorities cannot be countenanced, and it would be totally illegal and violative of Article 300A of the Constitution of India. In that view of the matter, without expressing my opinion on the claim made by the petitioners, I dispose of this writ petition directing the respondents-Authorities that if the aforementioned lands belong to or are owned by the writ petitioners, they should not interfere or meddle with those land without acquiring the same for public purpose either under the Land Acquisition Act 1894 or any other enabling provision. No costs.

Sd/-
Chief Justice

Brajesh